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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,467	02/27/2004	James R. Stelzer	5887-307U1	8565

570 7590 08/27/2007  
AKIN GUMP STRAUSS HAUER & FELD L.L.P.  
ONE COMMERCE SQUARE  
2005 MARKET STREET, SUITE 2200  
PHILADELPHIA, PA 19103

EXAMINER
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NGUYEN, DAT

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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08/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/789,467	<b>Applicant(s)</b> STELZER ET AL.	
	<b>Examiner</b> Dat T. Nguyen	<b>Art Unit</b> 3714	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 June 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-5, 8, 9, 12, 14-16, 18, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-5, 8, 9, 12, 14-16, 18, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/20/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is responsive to the amendments filed 06/13/2007 in which applicant amends claims 8, 12 and 21, cancels claims 17 and 19, and responds to claim rejections. Claims 2-5, 8, 9, 12, 14-16, 18, 20 and 21 are pending.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2-4, 8, 9, 20 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Wells (US Pub. No. 2003/0064805).

Wells discloses a wireless game player and system comprising:

Regarding claim 8:

A communication link having communication medium and a wireless sub-system, the communication medium including a wireless broadcast signal (paragraphs [0010], [0012] and [0016]);

A first amusement device (game machine [0016]) having a video touch screen ([0002], [0035] and feature 104), a controller [0016], an input component [0017], and a memory ([0078] and feature 236) storing a plurality of video games playable on the first amusement device [0082] using at least the video touch screen [0035], the first amusement device being operable upon receipt by the input component of at least one

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of the coins, currency, and a credit card/debit card ([0039] and features 108 and 110);  
and

A second amusement device (hand-held wireless game player [0012]) having a controller (microprocessor [0012]) and a memory [0014], the second amusement device being coupled to the first amusement device by the communication link [0012], the first amusement device communication with the second amusement device using the communication medium ([0012] and [0016]),

The wireless sub-system including:

A first wireless adaptor (antenna [0066]) coupled to the first amusement device, the first wireless adaptor encoding communication signals onto the wireless broadcast signal and decoding communication signals from the wireless broadcast signal ([0015] and [0018]); and

A second wireless adapter (antenna [0014]) coupled to the second amusement device, the second wireless adapter encoding communication signals onto the wireless broadcast signal and decoding communication signals from the wireless broadcast signal ([0015] and [0018]).

Regarding claims 2 and 3, Wells further discloses that second amusement device (hand-held wireless game player) can be used to present a musical, movie, or broadcast event selection by storing and retrieving the required files onto the device ([0015] and [0023]) and outputting them to the video and audio output [0014].

Regarding claim 4, the second device including a video touch screen [0014].

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Regarding claim 5, a plurality of other amusement devices coupled to the second amusement device using the communications link [0020].

Regarding claim 9, wherein the wireless broadcast signal is in the range of one of radio frequency, infrared and microwave [0057].

Regarding claim 12, Wells meets the claimed limitations as discussed in claim 2, 4 and 8. Wells further discloses that each second amusement device (hand-held game player) may be in communication with more than one first amusement device (a first and a third amusement device as required in claim 12. The first and third amusement devices are identical and are interpreted as being multiple game machines as described by Wells in [0020]).

Regarding claim 14, please see rejection of claim 3.

Regarding claim 15, please see rejection of claim 9.

Regarding claim 16, please see rejection of claim 4.

Regarding claim 18 and 20, wherein the communication link forms a wireless local area network [0018].

Regarding claim 21, please see the rejection statements regarding claims 2, 3, 4, 8 and 20.

### ***Response to Arguments***

Applicant's arguments with respect to claims 2-5, 8, 9, 12, 14-16, 18, 20 and 21 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

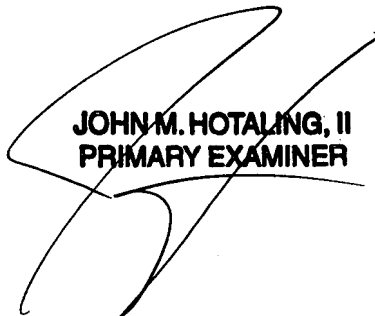
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dat T. Nguyen whose telephone number is (571) 272-2178. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dat Nguyen

  
**JOHN M. HOTALING, II**  
**PRIMARY EXAMINER**